

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF ARKANSAS**

Debtor(s) Chuck Phetrakoun  
Singphet Phetrakoun

Case No. 2:20-bk-70672

**Arkansas Chapter 13 Plan**  
(Local Form 13-1)

Original Plan ☐

Amended Plan ☒

**For an amended plan, all applicable provisions must be repeated from the previous plan(s). Provisions may not be incorporated by reference from previously filed plan(s).**

List below the sections of the plan that have been changed:

**2.1, 3.1, 3.2, 3.3, 4.4**

State the reason(s) for the amended plan, including any changes of circumstances below. If creditors are to be added, please complete Addendum A as well as file any appropriate amended schedules.

**2.1 - increased plan payment from \$940.00 to \$1,000.00**

**3.1 - moved Red River Credit from Section 3.1 to Section 3.3**

**3.2 - mortgage payment adjusted to match claim**

**3.3 - payments and interest rates adjusted to match claims**

**4.4 - claim amount adjusted to**

The Amended Plan is filed: ☒ Before confirmation

☐ After confirmation

**Part 1: Notices**

**To Debtor(s):** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with local rules and judicial rulings may not be confirmable.

**Original plans and amended plans must have matrix(ces) attached or a separate certificate of service should be filed to reflect service in compliance Fed. R. Bankr. P. 2002.**

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file a written objection to confirmation with the United States Bankruptcy Court either electronically (if filer is approved for electronic filing) or at the following addresses:

- **For Eastern District cases** (Delta, Northern, or Central \*\*\*Batesville and Pine Bluff filed prior to 11/28/2019\*\*\*): United States Bankruptcy Court, 300 West 2nd Street, Little Rock, AR 72201
- **For Western District cases** (El Dorado, Fayetteville, Fort Smith, Harrison, Hot Springs, or Texarkana Divisions): United States Bankruptcy Court, 35 E. Mountain Street, Fayetteville, AR 72701

**The objection should be filed consistent with the following timelines:**

☐ **Original plan filed at the time the petition is filed:** Within 14 days after the 341(a) meeting of creditors is concluded.

☐ **Original plan filed after the petition is filed or amended plan (only if filed prior to the 341(a) meeting):** Within the later of 14 days after the 341(a) meeting of creditors is concluded or 21 days after the filing of the plan.

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■ **Amended plan:** Within 21 days after the filing of the amended plan.

**The court may confirm this plan without further notice if no objection to confirmation is timely filed.**

The following matters may be of particular importance. *Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.*

1.1	A limit on the amount of a secured claim, set out in Section 3.4, which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included	■ Not included
1.2	Nonstandard plan provisions, set out in Part 8.	■ Included	<input type="checkbox"/> Not included

## Part 2: Plan Payments and Length of Plan

### 2.1 The debtor(s) will make regular payments to the trustee as follows:

*Inapplicable portions below need not be completed or reproduced.*

**Amended plan:** Plan payments will change to **\$1,000.00** per month beginning on the later of the date of filing of the amended plan or \_\_\_\_\_. The plan length is **60** months.

The following provision will apply if completed:

Plan payments will change to \$\_\_ per month beginning on \_\_.

Plan payments will change to \$\_\_ per month beginning on \_\_.  
*(Use additional lines as necessary)*

The debtor(s) will pay all disposable income into the plan for not less than the required plan term, or the applicable commitment period, if applicable, unless unsecured creditors are being paid in full (100%). If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

### 2.2 Payments shall be made from future income in the following manner:

Name of debtor **Chuck Phetrakoun**

■ Direct pay of entire plan payment or \_\_\_\_ (portion of payment) per month.

☐ Employer Withholding of \$\_\_\_\_ per month

Payment frequency: ☐ monthly, ☐ semi-monthly, ☐ bi-weekly, ☐ weekly, ☐ Other

If other, please specify: \_\_\_\_

Employer name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Name of debtor **Singphet Phetrakoun**

☐ Direct pay of entire plan payment or \_\_\_\_ (portion of payment) per month.

■ Employer Withholding of \$**0.00** per month.

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Payment frequency: ☐ monthly, ☐ semi-monthly, ☐ bi-weekly, ☐ weekly, ☐ Other

If other, please specify: \_\_\_\_\_

Employer name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

### 2.3 Income tax refunds.

*Check one.*

☒ Debtor(s) will retain income tax refunds received during the plan term and have allocated the refunds in the budget.

☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.

☐ Debtor(s) will treat income tax refunds as described below. The debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing.

### 2.4 Additional payments.

*Check one.*

☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

☐ To fund the plan, debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment.

## Part 3: Treatment of Secured Claims

### 3.1 Adequate Protection Payments.

*Check one.*

☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

☒ The debtor(s)' plan payment to the trustee will be allocated to pay adequate protection payments to secured creditors as indicated below. The trustee shall be authorized to disburse adequate protection payments upon the filing of an allowed claim by the creditor. Preconfirmation adequate protection payments will be made until the plan is confirmed. Postconfirmation adequate protection payments will be made until administrative fees are paid (including the initial attorney's fee). Payment of adequate protection payments will be limited to funds available.

Creditor and last 4 digits of account number	Collateral	Monthly payment amount	To be paid
<b>Ally Financial</b> <b>6072</b>	<b>2013 Chevy Camaro</b> <b>Location: 629 E El Paso St,</b> <b>Greenwood AR 72936</b>	<b>159.00</b>	<input checked="" type="checkbox"/> Preconfirmation <input type="checkbox"/> Postconfirmation

### 3.2 Maintenance of payments and cure of default (long term-debts, including debts secured by real property that debtor(s) intend to retain).

*Check one.*

☐ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

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■ The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, including any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. The debtor(s) will resume payments to the creditors upon completion of the plan, pursuant to the terms of the respective agreements. Any existing arrearage will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated.

The current contractual installment payments for real estate may be increased or decreased, and the plan payment increased, if necessary, based upon information provided by the creditor and upon the absence of objection from the debtor(s) under applicable rules. Unless otherwise ordered by the court, the amounts listed on a filed and allowed proof of claim will control over any contrary amounts listed below as to the current installment payment and arrearage amount. **If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan.**

Creditor and last 4 digits of account number	Collateral	Monthly installment payment	Monthly installment payment disbursed by	Estimated arrearage amount	Monthly arrearage payment	Interest rate, if any, for arrearage payment
Mr. Cooper 5918	629 E El Paso St Greenwood, AR 72936 Sebastian County	341.78	<input type="checkbox"/> Debtor(s) <input checked="" type="checkbox"/> Trustee	11,497.47	225.44	0.00%

### 3.3 Secured claims excluded from 11 U.S.C. § 506 (non-506 claims).

*Check one.*

☐ **None.** If “None” is checked, the rest of § 3.3 need not be completed or reproduced.

■ Claims listed in this subsection consist of debts that were:

- (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s) (“910 car claims”), or
- (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value (“PMSI within one year”).

The creditors below will retain their liens and secured claims will be paid in full under the plan at the monthly payment and interest at the rate stated below. Unless otherwise ordered by the court, the claim amounts listed on a filed and allowed proof of claim will control over any contrary amounts listed below, except as to value, interest rate and monthly payment.

Creditor and last 4 digits of account number	Collateral	Purchase date	Debt/estimated claim	Value of collateral	Interest rate	Monthly payment
Ally Financial 6072	2013 Chevy Camaro Location: 629 E El Paso St, Greenwood AR 72936	Opened 07/16 Last Active 4/04/18	15,863.49	16,700.00	0.00%	311.05
Red River Cr 904	2005 Chevy Impala Location: 629 E El Paso St, Greenwood AR 72936	Opened 2/14/18 Last Active 2/13/19	1,333.01	1,679.00	3.25%	28.60

### 3.4 Claims for which § 506 valuation is applicable. Request for valuation of security, payment of fully secured claims, and Arkansas Plan Form - 1/20

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**modification of undersecured claims.**

*Check one.*

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

**3.5 Surrender of collateral.**

☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

**3.6 Secured claims not provided treatment.** In the event that a secured claim is filed and allowed that is not provided treatment in the plan, the trustee shall pay such creditor the claim amount *without interest* after this plan in all other respects has been completed.

**Part 4: Treatment of Fees and Priority Claims**

**4.1 General.**

Trustee's fees and all allowed priority claims, including domestic support obligations, will be paid in full without postpetition interest.

**4.2 Trustee's fees.**

The trustee's fees are governed by statute and may change during the course of the case.

**4.3 Attorney's fees.**

The attorney's fee is subject to approval of the court by separate application. The following has been paid or will be paid if approved by the court:

Amount paid to attorney prior to filing:	\$	<u>0.00</u>
Amount to be paid by the Trustee:	\$	<u>4,025.00</u>
Total fee requested:	\$	<u>4,025.00</u>

Upon confirmation, the attorney shall receive an initial fee as provided in the application and approved by the court from funds paid by the debtor(s), after administrative costs have been paid. The remaining fee will be paid at the percentage rate of the total disbursed to creditors each month provided in the application approved by the court.

The initial fee and percentage rate requested in the application are \$ 1,500.00 and 25.00 %, respectively.

**4.4 Priority claims other than attorney's fees and those treated in § 4.5.**

Filed and allowed priority claims (usually tax claims), including without limitation, the following listed below, will be paid in full in accordance with 11 U.S.C. § 1322(a)(2), unless otherwise indicated. For claims filed by governmental units, the categorization of the claim by the creditor (secured, priority, nonpriority unsecured) and amounts shall control over any contrary amounts unless otherwise ordered by the court.

Creditor	Nature of claim (if taxes, specify type and years)	Estimated claim amount
Oklahoma Tax Commission	Oklahoma State Income Tax 2016	434.60

**4.5 Domestic support obligations.**

*Check one.*

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

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## **Part 5: Treatment of Nonpriority Unsecured Claims**

### **5.1 Nonpriority unsecured claims.**

Allowed nonpriority unsecured claims shall be paid at least as much as they would receive if the debtor(s) filed a Chapter 7 case. **Allowed nonpriority unsecured claims shall be paid in full (100%) unless a different treatment is indicated below.** For above median income debtor(s), the distribution to unsecured creditors includes any disposable income pool (monthly disposable income times 60 months) from Form 122C-2, unless the debtor(s) are unable to meet the disposable income pool based on the following circumstances: \_\_\_\_\_

*Check one, if applicable*

☒ A PRORATA dividend, including disposable income pool amounts, if applicable, from funds remaining after payment of all other classes of claims; or

☐ Other. Please specify \_\_\_\_\_

### **5.2 Special nonpriority unsecured claims and other separately classified nonpriority unsecured claims.**

*Check one.*

☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

### **5.3 Maintenance of payments and cure of any default on nonpriority unsecured claims.**

*Check one.*

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

## **Part 6: Contracts, Leases, Sales and Postpetition Claims**

### **6.1 Executory Contracts and Unexpired Leases.**

*Check one.*

☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

The executory contracts and unexpired leases listed below are assumed or rejected as indicated.

☐ **Assumed items.** The following executory contracts and unexpired leases are assumed, and payments due after the filing of the case will be paid directly by debtor(s), or by the trustee, as set forth below. Debtor(s) propose to cure any default by paying the arrearage on the assumed leases or contracts in the amount listed on the filed and allowed proof of claim, if contrary to the amount listed below.

Creditor	Description of contract or property	Payment to be paid by	Payment amount	Number of remaining payments	Arrearage amount	Monthly arrearage payment
-NONE-		Debtor(s) Trustee				

☒ **Rejected items.** The debtor(s) reject the following executory contracts or unexpired leases. The debtor(s) request that upon confirmation of this plan, the stay under 11 U.S.C. §§ 362(a) and 1301(a) be terminated as to the property only. No further payments are to be made to the creditor on the contract or lease. However, the creditor may file a claim for the deficiency and will be treated as a nonpriority unsecured creditor.

Creditor and last 4 digits of account number	Description of contract or property
DIRECTV Customer Service	Television service

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## 6.2 Sale of assets.

*Check one.*

☒ **None.** *If "None" is checked, the rest of § 6.2 need not be completed or reproduced.*

## 6.3 Claims not to be paid by the trustee.

*Check one.*

☒ **None.** *If "None" is checked, the rest of § 6.3 need not be completed or reproduced.*

## 6.4 Postpetition claims.

☐ **None.** *If "None" is checked, the rest of § 6.4 need not be completed or reproduced.*

☒ Postpetition claims pursuant to 11 U.S.C. §§ 1305 and 1322(b)(6) may be added to the plan by the debtor(s) and, if the creditor elects to file a proof of claim with respect to the postpetition claim, the claim may be treated as though the claims arose before the commencement of the case, to be paid in full or in part through the plan. Upon completion of the case, any unpaid balance of such claim may be subject to discharge.

## Part 7: Vesting of Property of the Estate

### 7.1 Property of the estate will vest in the debtor(s) upon:

*Check the applicable box.*

☐ plan confirmation.

☒ entry of discharge.

☐ other: \_\_\_\_\_

## Part 8: Nonstandard Plan Provisions

☐ **None.** *If "None" is checked, the rest of Part 8 need not be completed or reproduced.*

*Under Bankruptcy Rule 3015.1(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.*

### 8.1 *The following plan provisions will be effective only if there is a check in the box "included" in § 1.2.*

**For claims filed by the Internal Revenue Service, Arkansas Department of Finance & Administration (or other state taxing authority), Commissioner of State Lands and/or a county tax collector/treasurer if that entity reflects that all or a portion of its claim is secured, then, if that claim is allowed, the secured portion of that claim shall be paid in full unless other specific treatment is afforded that debt elsewhere in the plan.**

**Any 1305 claim filed by the IRS will be paid in full, and the IRS has the right to set off any post-petition tax overpayments against any post-petition tax liabilities.**

**All priority claims will be paid in full.**

**Attorney fees to be disbursed from funds available after payment of the Trustee's fees and expenses and, if applicable, any adequate protection payments under 11 U.S.C. § 1326(a)(1)(C) with an initial fee of \$1500, and the remaining fee payable at the rate of 25% of the total plan payment until paid in full.**

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## **Part 9: Signatures**

By filing this document, the attorney for the debtor(s) or the debtor(s) themselves, if not represented by an attorney, certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in plan form used in the Eastern and Western Districts of Arkansas, other than any nonstandard provisions included in Part 8.

/s/ Keith M. Kannett ABN

Keith M. Kannett ABN 08165

Signature of Attorney for Debtor(s)

Date 7/07/2020

/s/ Chuck Phetrakoun

Chuck Phetrakoun

/s/ Singphet Phetrakoun

Singphet Phetrakoun

Signature(s) of Debtor(s)

(required if not represented by an attorney;  
otherwise optional)

Date 7/07/2020

Date 7/07/2020



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### **Addendum A - For Amended Plans**

#### **Listing of Additional Creditors and Claims for Plan Purposes**

Note: While additional creditors may be listed on Addendum A, the debtor(s) also must file amended schedules as appropriate.

##### **A.1 Prepetition Nonpriority Unsecured Claims**

The following are creditors with prepetition nonpriority unsecured claims that are added to the plan. These creditors will be provided treatment as described in Part 5.1 of the plan.

Name and address of creditor	Last four digits of account number	Nature of debt and date incurred	Amount of debt
<b>-NONE-</b>			

##### **A.2 Postpetition Nonpriority Unsecured Claims**

The following are creditors with postpetition nonpriority unsecured claims pursuant to 11 U.S.C. §§ 1305 and 1322(b)(6) that are added to the plan by the debtor(s). The creditors listed below are entitled to participate in the debtor(s)' bankruptcy case at the election of the creditor.

**A creditor may elect to participate in the plan by filing a proof of claim for the postpetition claim. The claim will be treated as though the claim arose before the commencement of the case and will be provided treatment as described in Part 5.1 of the plan. Upon completion of the plan and case, any unpaid balance of such claim may be subject to discharge.**

Name and address of creditor	Last four digits of account number	Nature of debt and date incurred	Amount of debt	Approval to incur obtained from trustee or court
<b>-NONE-</b>				Yes No